

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07cv505  
(3:05cr376)

GEORGE E. DIRI,	)	
	)	
Petitioner,	)	
	)	
v.	)	<b><u>O R D E R</u></b>
	)	
UNITED STATES OF AMERICA	)	
	)	
Respondent.	)	
	)	

---

**THIS MATTER** comes before the Court upon Petitioner's Motion to Vacate, Set Aside, or Correct Sentence; the Government's Answer and Motion for Summary Judgment; and Petitioner's Reply to the Government's Motion for Summary Judgment.

After careful review of the filings in the above-referenced case, this Court has determined that an evidentiary hearing is necessary to resolve Petitioner's claim that his attorney refused to file an appeal when requested to do so.

Rule 8(c) of the Rules Governing Section 2255 Proceedings requires the appointment of counsel for such a hearing if the petitioner qualifies under 18 U.S.C. § 3006A. Petitioner previously has qualified for appointed counsel (W.D.N.C. case no. 3:05cr376), and the Court is not aware of any change in Petitioner's financial status. Therefore, the Court will direct the Community Defender to designate counsel for Petitioner.

**THEREFORE, IT IS HEREBY ORDERED:**

- 1) That an evidentiary hearing will be set in this matter for Monday, June 1, 2009, at 9:45 a.m. in courtroom number 2 at the United States Courthouse in Charlotte, North Carolina;

- 2) That the Community Defender shall designate counsel promptly to represent Petitioner at the evidentiary hearing solely regarding Petitioner's claim that his attorney refused to file an appeal when requested to do so; and
- 3) That the Clerk is directed to certify copies of this Order to Petitioner, the Community Defender and to the United States Attorney.

Signed: April 24, 2009

Robert J. Conrad Jr.  
Robert J. Conrad, Jr.  
Chief United States District Judge  
